

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

TUESDAY, THE 13TH FEBRUARY 2007 / 24TH MAGHA 1928

CRL.R.P(FC.)No. 72 of 2007()

MC.215/2006 of FAMILY COURT, MALAPPURAM

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REVISION PETITIONER/RESPONDENT

PREMACHANDRA VARMA, 46 YEARS,
S/O. UDAYA VARMA RAJA, PAIKKATTU KOVILAKAM,
EAST GATE, VAIKKOM, KOTTAYAM DISTRICT.

BY ADV. SMT.K.GIRIJA

RESPONDENTS: PETITIONERS

1. AMBIKA DEVI, 36 YEARS,
D/O. LATE KERALU PULLIYATHIRI,
VALIYA AKATHUTTIA KOVILAKAM, P.O.VAIRAMKODE,
ANANTHAVOOR AMSOM, KAITHAKKARA DESOM,
THIRUR TALUK.
2. VIVEK VARMA, 3 YEARS (MINOR),
S/O. PREMAN @ PREMA CHANDRA VARMA,
(MINOR PETITIONER IS REPRESENTED BY
GUARDIAN MOTHER 1ST RESPONDENT).

BY ADV. SRI. C.M. KAMMAPPU, PUBLIC PROSECUTOR

THIS REV.PETITION(FAMILY COURT) HAVING COME UP FOR ADMISSION
ON 13/02/2007, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

K.R. UDAYABHANU, J

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Dated this the 13th day of February 2007

O R D E R

The revision petitioner, who is the respondent in M.C. 215/06, has sought for setting aside the order of the court below allowing the prayer in the M.C. in his absence. According to him, he was incapacitated on a particular day to reach the court on account of an All India Strike.

It is noted by the court below that interim maintenance was not paid by the petitioner and hence his defence was struck off. The M.C. was allowed directing the petitioner to pay maintenance at the rate of Rs. 2,000/- to the 1st petitioner and Rs. 8,000/- to the 2nd petitioner from the date of petition. Considering the fact that the disposal is an exparte one, the same is set aside on condition that the petitioner deposits a lump sum of Rs. 10,000/- before the court below within one month from today. The 1st petitioner in the M.C. will be entitled to withdraw the same. The petitioner shall continue to deposit maintenance to the 2nd

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petitioner at the rate of Rs. 800/-. The revision petitioner is directed to apply before the court below to set aside the exparte order within 20 days from today. It shall be considered by the court on merits and disposed of within three months from the date of filing of the application to set aside the exparte order.

The Cr.R.P is disposed of accordingly.

K.R. UDAYABHANU, JUDGE.

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